

USAWC STRATEGIC RESEARCH PROJECT

**THE PROLIFERATION OF CONTRACTORS ON THE BATTLEFIELD:
A CHANGING DYNAMIC THAT NECESSITATES A STRATEGIC REVIEW**

by

LTC (P) MICHAEL T. MCBRIDE
United States Army

Dr Clay Chun
Project Advisor

The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

U.S. Army War College
Carlisle Barracks, Pennsylvania 17013

REPORT DOCUMENTATION PAGE				Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.					
1. REPORT DATE (DD-MM-YYYY) 07-04-2003		2. REPORT TYPE		3. DATES COVERED (FROM - TO) xx-xx-2002 to xx-xx-2003	
4. TITLE AND SUBTITLE The Proliferation of Contractors on the Battlefield A Changing Dynamic that Necessitates a Strategic Review Unclassified				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) McBride, Michael T. ; Author				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME AND ADDRESS U.S. Army War College Carlisle Barracks Carlisle, PA17013-5050				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME AND ADDRESS ,				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT APUBLIC RELEASE ,					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT See attached file.					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:		17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 30	19. NAME OF RESPONSIBLE PERSON Rife, Dave RifeD@awc.carlisle.army.mil	
a. REPORT Unclassified	b. ABSTRACT Unclassified	c. THIS PAGE Unclassified		19b. TELEPHONE NUMBER International Area Code Area Code Telephone Number DSN	
				Standard Form 298 (Rev. 8-98) Prescribed by ANSI Std Z39.18	

ABSTRACT

AUTHOR: LTC (P) Michael T. McBride

TITLE: The Proliferation of Contractors on the Battlefield: A Changing Dynamic that Necessitates a Strategic Review

FORMAT: Strategy Research Project

DATE: 07 April 2003

PAGES: 20

CLASSIFICATION: Unclassified

The central thesis of this paper is centered on the ever-increasing use of contractors on the battlefield. The basic premise focuses on the notion that our weapons and equipment are becoming increasingly more complex and as a result more challenging to operate and maintain. This premise in conjunction with the implementation of proposals such as the Third Wave initiative will continue to expand the privatization of basic core competencies that are vital to success in forward regional defense options. Contractors undeniably will be called upon to help sustain the fighting forces in forward theaters of operation. There are numerous challenges DOD faces with respect to the introduction of progressively more contractors in our battle spaces. Deployment, force protection and legal ramifications are just three of many issues that our strategic leaders will have to address in order to properly preserve our lethal strength. As Donald Rumsfeld recently stated, "The defense of the United States is in a new, dangerous period...an era of new vulnerabilities. Current and future enemies will seek to strike the United States and U.S. Forces in novel and surprising ways...wars will be notably different from those of the past century and even from our current conflict. America will inevitably be surprised again by new adversaries striking in unexpected ways." Contractors will be part of the solution for us. Our national security policies and national security strategy must account for this fact. Contractors will represent an expansion of our "Means" to achieve our "Ends."

TABLE OF CONTENTS

ABSTRACT.....	iii
THE PROLIFERATION OF CONTRACTORS ON THE BATTLEFIELD: A CHANGING DYNAMIC THAT NECESSITATES A STRATEGIC REVIEW.....	1
HISTORY	3
DISCUSSION	7
CONTRACTORS AS FORCE MULTIPLIERS.....	9
DEPLOYMENT ISSUES	15
LEGAL CONSIDERATIONS.....	16
FORCE PROTECTION.....	17
CONCLUSION.....	19
END NOTES.....	21
BIBLIOGRAPHY.....	23

THE PROLIFERATION OF CONTRACTORS ON THE BATTLEFIELD: A CHANGING DYNAMIC THAT NECESSITATES A STRATEGIC REVIEW

At 9 A.M. this morning, two Tapestry Solutions employees were attacked in an ambush near Doha, Kuwait. One was killed, and the other was critically injured. Executive Vice President and co-founder of Tapestry Solutions, Michael Pouliot, was the employee that was killed. Senior Software Engineer, David Caraway, was critically injured and is expected to recover.

“Our hearts and deepest sympathies go out to the families affected by this tragedy,” said Mark Young, Vice President of Tapestry Solutions. “We are stunned by this senseless act of violence, which has taken a great man and friend from our family.”

“Tapestry Solutions will continue its overseas operations and persevere through this horrible tragedy. The safety of our employees throughout the world will continue to be paramount, and we will not be intimidated by this act of violence,” said Young.

**Tapestry Solutions Media Statement
San Diego, CA (Jan. 21, 2003)**

History suggests that the end of the Cold War clearly translates into an end of an era. This epoch world change implies that adjustments in our U.S. National Security Strategy and National Military Strategy are perfunctory in order to meet all the emerging global challenges that lie before us. The United States Armed Forces are in the midst of a significant transformation process that some intellectuals even describe as a potential major revolution in military affairs. Many scholars, historians, and leaders agree this revolution is imperative to our continuing vitality in the global arena. Changes on the world stage offer us the chance (opportunity), necessity (need), and obligation (duty) to amend the ways we conduct normal operations. Adaptations in force structure, emerging doctrine, and equipment modernization are essential for us to meet these burgeoning international challenges.

Leveraging technology to advance our weapon systems or replace soldiers in the field is an indispensable part of our National Military Strategy to maintain our position as the dominant

military power in the world. The continued introduction of these high-tech systems into our arsenal has meant more reliance on contracted personnel to provide unique field service representation to maintain these highly complicated and dynamic systems (in terms of both hardware and software). Privatization also allows us to finance our high tech weapons as we save dollars by using contractors to cut costs, from which we re-invest those dollars right back into our weapons systems. Our logistics infrastructure is currently inundated with contract personnel who routinely perform critical sustainment functions in support of our Combatant Commanders in our most forward active theaters of operation. These contractors are becoming culturally ingrained in our organizations and provide services that would potentially cause missions to fail if not satisfactorily performed. In fact a large percentage of these contractors are former service members or retired military professionals. Horizontal and vertical integration of these contractors already permeates throughout all levels of most of our combat units. Many of these critical support functions have virtually no uniformed redundancy or back-up.

The United States Army continues to increase its reliance on the use of contractors who now routinely operate throughout all areas on the battlefield. Due to the ever-increasing complexity and heightened costs of our weapon systems, deployment platforms, and other operational hardware, defense contractors habitually operate alongside our troops with ever-increasing frequency. Lack of government owned resources such as materials supplied by the contractor and other high cost capital investments made by defense contractors also add to the reliance we have on these contractors' presence. Additionally, contractors possess technical know-how, like scientific data and other procedural specifications. A reduction in DOD personnel and the general privatization and outsourcing efforts of A-76 has also added to the number of contractors performing duties once held by federal government employees. This looks good when discussing the lower number of uniformed personnel committed to a region on a mission, but leaves the Combatant Commander the daunting task of deciding the best ways deploy,

employ, and protect those contractors operating in his area of operations. Additionally, the full effects of this Third Wave initiative throughout the expanses of the Department of Defense have yet to be totally realized.

The political implications of deploying large numbers of uniformed personnel can sometimes be burdensome in terms of attaining and maintaining U.S. public support, and encouraging favorable world opinion. This phenomenon leads strategic planners to advocate a policy of contracting out many important functions into a theater of operations to reduce the uniformed personnel footprint. Finally, one operational technique DOD routinely employs is to reduce our logistics footprint. Implied in this procedure is the movement of logistics functions out of our rear areas and forward into our combat forces. Our aim is to increase response time and reduce the transition between forward and rear supports areas. Thus, we move many of our support and sustainment contractors forward and closer to our forward combat activities. Thus, potentially exposing more contractors to direct action. There are also many legal implications the Combatant Commander must consider in terms of deploying large numbers of contractors into his area of operations. He must be careful to not contract directly with another nation vice offering the workload to an American firm.

HISTORY

Contractors have been routinely operating on our battlefields throughout most of our recorded history. Factory to foxhole support is not a new phenomenon. American history is replete with examples of contractor presence in federal and military operations. It is well documented that our founding father, George Washington utilized contractors to design and lay out our nation's capital. In 1791 Pierre Charles L'Enfant was commissioned to draft the blueprint for America's capital city, now known as Washington D.C.¹

During the American Revolution, the Continental Army was besieged with inefficiencies permeating throughout the logistical supply system. The leadership sought out solutions to devise an efficient support infrastructure. So civilians were employed to drive wagons: provide architectural, engineering, and carpentry services; obtain foodstuffs; and deliver medical services.² Robert Morris, one of the first heads of the Treasury Department, observed that, "Experience has sooner or later pointed out that contracts with private men of substance and talents equal to understanding as the cheapest, most certain and consequently the best mode of obtaining those articles, which are necessary for the subsistence, clothing and moving of any army."³ The primary mode of land transportation from 1776 until the 1920's was the horse or mule drawn escort wagon. Although it appeared to be a simple device, the wagon was, in fact, a complex technology that required the skills of wheelwrights, farriers, blacksmiths, carpenters, and harness makers to keep it in sound working order.⁴ This important tactical transportation mechanism required the concerted efforts of all those skilled contract laborers in order to build and maintain them.

Later in our history after the Civil War ended, the United States experienced a huge post-war demobilization and quietly developed into a regional, isolated power. Unfortunately this peaceful period did not last very long, as the country was again embroiled in conflict, with the sinking of the USS Maine in Havana Harbor. The Spanish-American War was distinctive in that the United States was about to embark in a new type of expeditionary warfare on foreign shores that would require revolutionary changes in the way we conducted and supported warfare. Because of the massive Post-Civil War drawdown, the country was again plagued with many supply and transportation setbacks. Mobilizing the industrial base, meant mobilizing a civilian base to equip, supply and move our forces. The Spanish-American War spurred the creation of the Quartermaster Corps, which responded to a need for a large number of skilled and unskilled soldiers under military control, with sufficient discipline to be deployed as needed, especially in

overseas locations.⁵ The Quartermaster Corps did not eliminate the need for contractors, but it greatly reduced the Army's dependence on contractors.⁶ The Army still found itself using contractors to obtain extra labor, transport, and housekeeping support as its overseas roles increased.⁷ This is a major turning point in how the Army viewed its support infrastructure, as their force projection responsibilities would exponentially increase as a result as their standing as a new world power. America's war with the Spanish was primarily a naval battle, without the necessity to position large numbers of troops on foreign soil, but soon that would change forever.

World War I and World War II again pushed the United States out of its peaceful isolationist interludes and again into massive mobilizations whereby the military and civilian industrial complexes partnered to establish preeminent global supremacy. It also marked the military's dependency on contractor lifetime support capabilities for all the newly fielded equipment. The United States proved to the world that it could outproduce any nation in terms of military hardware. During this expansive period, however, an imbalance arose as our technology (aircraft carrier, armored mechanization, and amphibious operations capabilities) accelerated at a faster rate than our doctrinal and organizational capabilities. We lacked the infrastructure to manage and maintain all this new military hardware. Contractor influence became even greater.

As we move forward to our military campaign in Vietnam we find that contractor support has become culturally imbedded in all of our standard operating procedures. All of our operations included contractor support planning. By the time the nation was at war in Vietnam, Business Week described the war there as a "contractor war." At the height of the Vietnam War, more than 70,000 contractors supported the effort.⁸ Contract personnel were found in our supply and ammunition depots, food service and water distribution sites, medical and maintenance

facilities, our engineering and troop billeting areas, and in our posts, camps, stations and airfields.

In today's modern military, omnipresent contractor support is common. It has proven to be an indispensable part of our force projection core competency. Reports are conflicting depending on the source, on the numbers, but during Desert Shield / Desert Storm, the General Accounting Office (GAO) reported, that there were over 9,0000 contract support personnel providing many important functions and services, such as flying joint surveillance flights and targeted radar aircraft, maintaining high technological communications equipment, and performing the routine services of providing food, water, construction and other basic needs.⁹

The relevance of this historical discussion is important as it shows enough empirical evidence to support the thesis that contractors have historical precedence and will be an integral part of all future battlefields. A U.S. Army War College report by Paula J. Rebar was quoted in the 4 November, 2002 copy of U.S. News and World Report. The report essentially stated the following data with respect to the numbers of contractors utilized on several previous battlefields and the relative ratio of contractors as compared with the actual number of military personnel involved in those particular campaigns:

<u>War/Conflict</u>	<u>Civilians/Contractors</u>	<u>Military</u>	<u>Ratio</u>
Civil War	200,000 (est.)	1,000,000	1:5 (est.)
World War I	85,000	2,000,000	1:20
World War II	734,000	5,400,000	1:7
Korea	156,000	393,000	1:2.5
Vietnam	70,000	359,000	1:5
Gulf War	5,200	541,000	1:100
Balkans	20,000(+)	20,000(+)	1:1

It appears our ongoing military operations in Southwest Asia will closely resemble the ratio experienced in the Persian Gulf War. However, post-hostilities operations in Iraq may bear a strong resemblance to the numbers (ratios) experienced in the Balkans. Several critical undertakings in support of regional stability in post war Iraq will include: civil-military operations, infrastructure development, political re-structuring, humanitarian relief support, repatriation operations, and basic life necessities distribution. All of these key missions will require the presence of military personnel, as well as non-governmental agencies and private organizations. Contractors will be called upon to support the efforts of all these worthy endeavors. Stability in the region and the safety of the workforce will take time to fully achieve. Military presence is the only guarantee that post-conflict operations will be able to continue in a safe fashion.

DISCUSSION

“The senseless killing of Michael leaves us all with a sense of mourning, shock and outrage. His loss to his family, Carol and his two daughters, is beyond measure. Our hearts and our ongoing support goes out to them. Mike was a great provider, and he cherished his family above all. Who was Michael Pouliot? The brief summary in the memorial bulletin and my words will not come close to conveying to you: who Mike was, his impact on others and his love of family and country. Although not in the military, he dedicated his life to providing the soldiers, airmen, and sailors the systems that gave them the edge over potential adversaries.”.....

“.....His philosophy of working directly with the end user was the primary reason Mike came to Kuwait. He believed that to provide effective tools, you needed to be with the users in their “Operational Environment”. Mike worked closely with his customers, and earned their respect through his dedication and his ability to solve issues before they became problems.”.....

“..... Mike came to Kuwait to make a difference, not die at the hands of cowards and those who employ or encourage them. He was loved and respected by all who knew him. He is greatly missed and his impact to the individuals he touched will live on forever.”

**Eulogy for Michael Pouliot
Delivered by Wayne Hansom
Time: 1330hrs, 23 Jan, 2003
Camp Doha, Kuwait**

The enhanced use of contractors pose critical issues for the United States Military. I believe it is very important at this juncture to stop and ask ourselves, "So what?" and "Who cares about this problem?". The United States will find itself increasingly entwined in a multitude of smaller scale global conflicts up to potential major theater conflicts. As a result, contractors will increasingly operate in our tactical battle space, a target for any future adversary.

A future commander will have to address several questions. What type of protective equipment will they have? Who will provide them with this equipment? Who is responsible for deploying them into a theater of operations? Under what Rules of Engagement (ROE) they will operate and what legal jurisdiction do they fall under? How different do they work relative to civilian federal government workers, as we have many with the same issues here too in many respects. Under which chain of command will they report? Will they be armed, so they may defend themselves? If not, who will protect them? What is the cost of not deploying them into theater? Can our uniformed personnel perform "all" of these same functions if we fully mobilize and leave our contractors behind? What if a contractor refuses to deploy and is critical to the mission? Additionally, there are still other nagging questions that surface when discussing an issue such as this: "What have we done in the past to address this problem?" Finally, we need to also ask ourselves, "What will happen in the future and is the past even relevant to today?"

Historically, our strategy has been to leave the responsibility of answering all the aforementioned questions to the tactical commander. He is burdened with addressing each individual case of how contractors operate both in garrison and on operational deployments as they arise. The commander has limited operational control over the duties of a contractor, but has virtually no administrative or financial control over the contractor.

Contractors have operated freely in various campaigns throughout our history. They have primarily operated in a support role, establishing logistics bases and other support facilities towards our friendly rear operational areas. They have deployed into theater at the tail end of

our strategic theater lift flow or have flown into theater commercially when conditions permitted.

Due to the heavy use of contractors supplementing our most forward combat units, it is no longer correct to assume they'll work exclusively towards the rear of our combat formations. We will continue to find them on the most forward reaches of our battlefields; repairing equipment, issuing supplies, providing technical services and providing analytical information. Besides, what is a battlefield? If a foe has WMD capable ballistic missiles or cruise missiles, then contractors are at risk regardless of where they are in theater. The shooting death in Kuwait of Michael Pouliot on January 21, 2003 reminds us that contractors are constantly at-risk as they work side-by-side with their uniformed counterpart personnel in theater of operations.

CONTRACTORS AS A FORCE MULTIPLIER

It can be easily argued that contractors present a tremendous, positive enabling capability for our armed forces. Field Service Representatives (FSRs) improve unit operational readiness rates with their enhanced technological training and their direct access to vendor stocks. As we field new systems and apply Product Improvement Programs (PIPs) to existing systems, contractor representatives provide the essential bridge between the government and the industrial base to ensure a smooth fielding process. This author personally executed recent tactical fieldings of the M88A2 Hercules, M1A2 SEP Abrams Tank, M2A3 Bradley Fighting Vehicle, Family of Medium Tactical Vehicles (FMTV) from Stewart and Stevenson, and several smaller communications and intelligence fieldings. Each of these fieldings was totally dependent upon contractors for each step of the execution process to include operator and maintainer field testing and training. Each of those contractors set the tone for the issuance of the equipment, established the fielding schedule, and enforced the timeline with the tactical unit. Operator training and maintenance operations were conducted under tactical field conditions. In most cases, the equipment issued to the units was under a warranty agreement, whereby only the

contractor was authorized to touch the equipment to accomplish the needed repair work, or else the contract or warranty was subject to being voided. Warranties are becoming commonplace in the highly technical fieldings of the 21st Century. Although the government reaps great rewards with these warranties in terms of guaranteeing quality workmanship, they indenture themselves to the contractor for sustainment or stipulated conditions of use throughout the life cycle of the equipment.

Contractors habitually accompany tactical units on deployment exercises, to assist in the uninterrupted flow of support to the user. This practice is applauded by the military as it allows the tactical unit to concentrate on the training program without distraction, due to sustainment packages provided by the contractor. In garrison, contractors are involved in all facets of the essential supplies and services provided to the installations. Their force multiplication attributes are undeniable in a peacetime environment.

The Army's current doctrinal manual on the subject of using contractors on the battlefield, FM 3-100.21, also discusses contractors as a force multiplier. It states that, whether it bridges gaps prior to arrival of military support resources, when host nation support is not available, or augments existing support capabilities, contractors support is an additional option for supporting operations.¹⁰ When taking into account contractor support, it should be implicit that it is more than just logistics; it covers the gamut of combat support (CS) and combat service support (CSS) jobs. Contracted support often includes traditional goods and services support, but may include interpreter, communications, infrastructure, and other non-logistic related support. It also has applicability to the full range of military operations, to include offense, defense, stability, and support within all types of military actions from small scale contingencies to major theater of wars.¹¹

In the preliminary phases of an operation, supplies and services provided by local vendors improve reaction time and free strategic air and sea lift for other priorities. Contractor

support drawn from in-theater resources can augment existing support capabilities to provide a new source for critically needed supplies and services, thereby reducing dependence on the continental United States (CONUS) based support system.¹² When military force caps are imposed on an operation, contractor support can give the commander the flexibility of increasing his combat power by substituting combat units for military support units.¹³ This force multiplier effect permits the combatant commander to have sufficient support in the theater, while strengthening the joint force's fighting capability.¹⁴ At the conclusion of operations, contractors can also facilitate early redeployment of military personnel.¹⁵

Contractors remain a very popular and viable option for our defense establishment and the tremendous investment made into our defense industry continues to grow. The steep growth experienced in technology based solutions to support our national security strategy is matched by the equally sharp escalation in defense contract spending. In fiscal year 2002, all DOD prime contract awards totaled \$170.8 billion, \$26.2 billion more than in fiscal year 2001. DOD has published its annual list of the top one hundred contractors on the World Wide Web. To show the remarkable investment we continually make in the defense commercial establishment, below chart represents a depiction of the top ten defense contractors off of that list for fiscal year 2002:

<u>RANK</u>	<u>Company</u>	<u>Contract Value</u>
1.	Lockheed Martin Corp.	\$17.0 Billion
2.	The Boeing Co.	\$16.6 Billion
3.	Northrop Grumman Corp.	\$8.7 Billion
4.	Raytheon Co.	\$7.0 Billion
5.	General Dynamics Corp.	\$7.0 Billion
6.	United Technologies Corp.	\$3.6 Billion
7.	Science Applications Int'l Corp	\$2.1 Billion
8.	TRW Inc.	\$2.0 Billion
9.	Health Net Inc.	\$1.7 Billion
10.	L-3 Comm Holdings Inc.	\$1.7 Billion

The investment made into these companies is indicative of DOD's long term strategy of "How to implement segments of our national power and will." Although the nation purchases many weapon systems, a significant level of funding to these firms is targeted to services contracts. These contracts include performance or maintenance to product modification to ensure capabilities to weapons life cycle. It is imperative at this stage to recognize the absolute importance contractors are in terms of achieving our National Security Strategy and subsequently our National Military Strategy. They are integral in every facet of the planning, programming, budgeting, and the execution of our defense policies. The viability of these aforementioned large defense contractors ensures the capability of our commercial sector will remain solvent. Conversely, if we fail to invest in these companies, we risk the collapse of our industrial base. Thus, the reliance on contractors is totally intertwined with our national level strategy to defend the United States and protect its interests.

On 25 November 2002 a group of security and defense contractors offered their recommendations for shaping policies to defend the nation from terrorists threats. The Homeland Security Industries Association unveiled eight papers focused on improving security in such places as critical infrastructure, airports, seaports and the food supply – and recommended ways that the federal government can begin tackling the issues.¹⁶ With more than seventy-five member companies across several industries, that association has been working since its inception in September 2002 to identify gaps in security and possible technical solutions.¹⁷ So far, this association has been meeting with officials from the White House's new Department of Homeland Security, other federal departments, and the Congress to help educate them about potential new technologies that could bolster security. The group estimates that \$37 billion will be spent on homeland security.¹⁸ This association plans to develop a legislative agenda, which in turn will undeniably influence our National Security Strategy. Contractors will not only field our new systems, they will also help write our defense policy to help determine our materiel requirements.

If we look at this issue in terms of major weapons systems, you can see the need for cooperation amongst contractors. Most of DOD's major weapons systems are produced by a prime contractor and the subcomponents of the weapon system are actually subcontracted out to another company or to several other subordinate companies. This means we must habitually negotiate and ultimately work with many different contractors in order to field just one major weapon system. Here are just a few examples of this phenomenon as published by the Washington Center for Defense Information in Washington, D.C.:

<u>System</u>	<u>Prime Contractor</u>	<u>Sub-Contractors</u>
F/A-18E/F Fighter	Boeing/McDonnell-Douglas	Northrop-Gru, GE
F-22 Fighter	Lockheed Martin	Boeing
F-15 Fighter	Boeing / McDonnell-Doug.	Pratt & Whitney
C-17 Transport	Boeing	Pratt & Whitney
V-22 Osprey	Boeing	Bell-Textron
RAH-66 Comanche	Boeing	Sikorsky, LHTEC
AH-64 Apache LB	Boeing	McDonnell-Doug.
Tomahawk Missile	Raytheon	Williams Intn'l
LPD-17 Amph Dock	Avondale	Bath Iron Works

As we look at contractors in terms of force multipliers, we must also discuss the pitfalls they present in terms of military capability and risks the military accepts by their presence and influence. The first downside to consider is our over-dependence on contractors. Can the military operate without them and have they become too reliant on contractors' presence? It is undeniable that skill set migration has occurred as many technical skills within the uniformed sector continue to degrade. This comes at a price to our national security as we lose redundancy in uniform to conduct many functions. Secondly, we must consider the long term costs during contingency operations. Cost efficiencies are easy to calculate in a peace-time garrison environment. However, move that same contractor into a hostile, forward deployed location and measure the costs to the U.S. Government over several years. What may seem like a fair deal to the American taxpayer, could easily turn into a cash cow for an industry that could prey on opportunities to turn a profit in the name of national security. Or worse yet, what if the contractor refuses to do the work despite the money being offered.

There are many concerns this author has with respect to contractor utilization on the battlefield. However, I'd like to further investigate three specific areas in more detail. (1) How do we handle the vast array of pre-deployment and deployment issues of moving contractors into a forward area of operations. (2) What are the legal implications to consider? (3) What are the Force Protection considerations to plan for? These three areas represent the biggest challenges we face as we embark on developing policy on this subject.

DEPLOYMENT ISSUES

The Military Decision Making Process (MDMP) must consider all factors while developing a plan of action. The planning staff has got to think about all personnel and equipment required to accomplish the assigned mission. Types of units, numbers of personnel and necessary equipment must all be factored into the plan. Contractors now have a special place in this planning process. The staff must consider the amount and type of support to render to the contractor, and whether to deploy the contractor into a combat area or support area. Status of Forces Agreements (SOFA) and Acquisition and Cross Servicing Agreements (ACSA) must be carefully analyzed to ensure no international laws or agreements are inadvertently violated. As staffs build TPFDDs and determine appropriate force structure mixes to respond to the crisis "Du Jour," often contractors are left out of the planning process. It is imperative to define roles and responsibilities for contractors both vertically and horizontally while building the plan. Deploying units must do this to match their contractor support requirements with existing in-theater capabilities, to eliminate unnecessary duplication. More importantly, it is to ensure they don't forget to deploy with a core competency that is not available in-theater.

Local commanders determine the type of support to render a contractor during pre-deployment operations. Activities such as adding contractors to the deployment manifest,

providing them legal, medical, immunizations, dental, issuing chemical defense gear, special uniforms, and transporting contractor equipment must all be planned for in advance. Treating all contractors fairly and equally is important, just as it is with soldiers. During a recent deployment in support of Operation Enduring Freedom, I had some contractors deploy with our unit, while other contractors had to provide their own commercial transport into theater, which was confusing at best, and had great potential for planning mistakes.

Once in theater, the Army Service Component Commander (ASCC) or the Army Forces (ARFOR) Commander is typically responsible to establish common operating criteria and also providing contractors with support. Contractors need basic essentials to do their jobs: transportation, lodging, subsistence, medical, religious support, postal, access to facilities, basic supplies, communication support, force protection and access to intelligence. Mature theaters can normally accommodate these requirements. However, immature theaters may not be able to accommodate contractor support requirements. As staffs plan for operations, they must alert contractors as to how self-sufficient they must be. Soldiers, DOD civilians and contractors will simultaneously flow into theater and jointly build the necessary infrastructure to support sustained operations. Early planning is important to ensure all are equally ingrained in the execution.

LEGAL CONSIDERATIONS

The Uniformed Code of Military Justice (UCMJ) is designed to support the good order and discipline of uniformed personnel. It was not designed to control contractors behavior in a theater of operations. Contractors are not subject to UCMJ except during a declaration of war. Disciplining a contractor is the responsibility of the contractor's management structure, it is not the responsibility of the military commander. However, a unit commander does have administrative actions he can enforce such as barring a contractor from entering a U.S. military

controlled area or facility. Contractors can also lose identification card privileges and also lose security clearances if warranted. If a contractor commits a crime they are subject to the local laws or can be removed from the country. If they commit a felony they can even be prosecuted under U.S. law, in Federal Court under the Military Extraterritorial Jurisdiction Act of 2000. In no way do contractors fall under the legal jurisdiction of the military commander.

Under the Laws of War (Hague – 1907 and Geneva 1949) contractors are guaranteed certain protections as non-combatants as long as they're not used in a direct support role.

Example #1 -- If a contractor is operating a wash rack at the port of debarkation in the rear area, he is probable protected under the Laws of War. Example #2 -- If a contractor is on the front lines pulling a trigger to a weapon system, or works on AWACS (JSTARS) and directly guides aircraft to attack a target, he is probably not protected under the Laws of War and would be considered a combatant as he is operating in a direct support capacity. However, there are hundreds of examples of contractors being used somewhere on the spectrum between those two examples. Commanders will continue to be forced to make prudent decisions to accomplish their assigned critical missions and contractors will continue to find themselves increasingly in harm's way as they attempt to accomplish their duties on foreign soil in larger numbers than at any other time in American history.

FORCE PROTECTION

Joint Pub 3-0 and FM 3-0 define force protection as “actions taken to prevent or mitigate hostile actions against DOD personnel, resources, facilities and critical information.” Contractors must be afforded these same protections. Force protection is a deliberate and dynamic process that begins long before the actual conflict.¹⁹ Planning staffs must account for all personnel deployed into the AOR and assign an appropriate force mix to protect the total force. Force protection and antiterrorism actions include not only military and DOD personnel but contractor

employees as well. Contractor employees, because of their status as civilians authorized to accompany the force in the field, bring with them an inherent need for force protection.²⁰

Protecting contractors and their employees on the battlefield is the commander's responsibility. When contractors perform in potentially hostile or hazardous areas, the supported military forces must assure the protection of their operations and employees. The responsibility for assuring that contractors receive adequate force protection starts with the combatant commander, extends downward, and includes the contractor.²¹

Contractors may not take an active part in the hostilities, particularly in a direct manner. However, contractors have an inherent right to self-defense. Commanders face a challenge to arm a contractor or allow the contractor to arm himself. An armed contractor would lose the protections afforded him as a non-combatant. Also, an untrained, armed contractor heightens the risk to everyone by increasing the likelihood of an accidental discharge or even worse, risking fratricide. The commander has to weigh this proposal against the alternate which is to guard the contractor as he performs his duties. Most contractual Statements of Work (SOW) between the U.S. government and a private contractor burdens the government with providing a safe workplace. In a garrison environment this would normally entail providing simple essential items such as heat, water, electricity, proper ventilation, basic safety equipment and a sound building or office which does not pose a risk to the contractor. However, in a combat zone, providing a safe work environment takes on a whole new set of responsibilities. Armed escorts, armored vehicles, reinforced structures, protective equipment to safeguard against weapons of mass effects, critical life-saving medical care, and access to upcoming war plans are just a few possibilities commanders must now consider.

The Joint Rear Area Commander (JRAC) is normally responsible for protecting the force, land management, movement of forces, and sustainment operations. He may direct zones of movement for civilian personnel to safeguard against ambush or other threats. The

JRAC commander may also direct specialized individual or collective training for all personnel in the theater. Weapons training, chemical or biological defense training, survival training are areas he may invoke mandatory skills be enforced on the total force, to include contractors.

Michael Pouliot died in a violent random act of terrorism. As a contractor operating in a forward area he assumed substantial increased risk. No one expected the ambush to occur and no one wanted to restrict the movement of contractors in-theater, so that they could freely move about the country in order to accomplish their missions. However, it is undeniable that violence can occur during any phase of an operation and the violence can effect any member of the total force. Commanders have a tough job managing the soldiers under their command. Accounting for contractors and other civilian personnel makes their job even more difficult. As we increase the numbers of contractors on the battlefield, we also increase the commanders challenge and workload. Sadly, we also increase the likelihood of another incident similar the shooting death of Michael Pouliot.

CONCLUSION

There are several solution sets we could muster to address this issue of contractors on the battlefield. The nation can choose to maintain the status quo. They can choose to ignore this issue at the strategic level and allow tactical and operational commanders to continue to evaluate each circumstance as it arises and then wrestle with what solution is best suited for his unit, considering the safety of the contractor, weighed against the importance of accomplishing his specific mission. Currently, our doctrinal references are intentionally written with vague language. This is so the field commander can have maximum interpretive flexibility and not be tied by overly restrictive regulatory guidance. The country could also develop a strategic solution. This option can address the issue at the strategic or operational / theater level and provide clear guidance on the best methods to employ our contractors, providing them a safe haven from which they can operate. We can provide the tactical commander with specific

operating guidance so that all contractors are operating from the same set of principles. This solution would include mandatory appendices be written in support of our operational plans which concentrate on contractors on the battlefield. Deployment responsibilities, legal considerations, and force protection measures would need to be addressed. The Department of Defense could also get out of the business. They could simply re-look at all our contractors usage and put those functions back into the uniformed personnel capabilities. We could design equipment to reduce extensive support or eliminate operating complexities. We could also design equipment that requires less maintenance, whereby we simply remove and install modular components. Another solution suggests we centralize Depot / Logistics support in CONUS. We could reward contractors who design equipment that is operated and maintained solely by soldiers without contractor involvement in the field.

A DOD-chartered study should be undertaken to adequately address this issue further. Refinement of developed courses of action could produce relevant criteria from which to compare possible solutions. The Department of the Army should also address this issue in greater fidelity in future editions of AR 715-9, Contractors Accompanying the Force, FM 3-100.21, Contractors on the Battlefield, and FM 100-10-2, Contracting Support on the Battlefield. The Department of Defense could partner with defense industry professionals and draft language that is amenable to suit the needs of both the field commander as well as the contractor.

WORD COUNT 6004

ENDNOTES

¹ Pete Burnett, LTC, SC, USA, Contractors on the Battlefield, USAWC Mobilization Management & Industrial Preparedness Essays, March 2002, 1.

² Richard G. Schenck, Contractors: A Strategic Asset or Achilles Heel?, 10 April, 2002, U.S. Army War College, 1.

³ Ibid.

⁴ Benjamin King, Richard Biggs, and Eric Criner, Spearhead of Logistics, U.S. Army Transportation Center, Fort Eustis, Virginia, 1994, 489.

⁵ Schenck, 2.

⁶ Ibid.

⁷ Ibid.

⁸ Burnett, 2.

⁹ Ibid.

¹⁰ U.S. Department of the Army, Contractors on the Battlefield, Field Manual 3-100.21 (Department of the Army, Washington, DC 3 January 2003), 1.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Maureen Sirhal, Contractors Act Quickly to try to Shape Security Agenda, National Journal's Technology Daily, 25 November 2002, 1.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ U.S. Department of the Army, Field Manual 3-100.21, Chapter 6, 1.

²⁰ Ibid.

²¹ Ibid, 2.

BIBLIOGRAPHY

- Burnett, Pete, LTC, SC, USA, Contractors on the Battlefield, "Mobilization Management & Industrial Preparedness Essays", USAWC, March 2002, 1-10.
- Cahlink, George, Army of Contractors, "Government Executive Magazine", 1 February 2002, 1-6.
- Devens, Diane M., A Jointness Concept for the Future: Civilians, Contractors and Soldiers in Sync, 11 May 1998, U.S. Army War College.
- Foster, Susan C., Contractors on the Battlefield: Force Multipliers or Detractors?, 7 April 1998, U.S. Army War College.
- Headquarters, Department of the Army, DALO-ZAG, Logistics Transformation and the Third Wave Initiative, Sustaining the Transforming Army, Briefing presented to the U.S. Army War College, 26 February, 2003.
- King, Benjamin, Biggs, Richard, Criner, Eric, Spearhead of Logistics, U.S. Army Transportation Center, Fort Eustis, Virginia, 1994.
- National Defense, ADPA's Business & Technology Journal, Migration of Defense Activities to Private Sector Gains Tempo, Volume LXXXI, Number 519, July / August 1996.
- Office of Management and Budget, OMB Circular A-76, OMB Circular A-76 Workshop, Willard Hotel, Washington, D.C., 25-26 November, 2002.
- Peckenpaugh, Jason, Army Contractors Earn Higher Salaries, Study Finds, "Government Executive Magazine", 26 July 2001, 1-4.
- Peckenpaugh, Jason, Army Plan to Outsource Soldiers' Jobs will Increase Costs, "Government Executive Magazine", 24 October, 2002, 1-3.
- Peckenpaugh, Jason, Army Secretary Approves Massive Outsourcing Plan, "Government Executive Magazine", 10 October, 2002, 1-4.
- Robinson, Linda, America's Secret Armies, "U.S. News & World Report", 4 November 2002, 38-43.
- Roos, John G., The "Outsourcing" Boom, "Armed Forces Journal International", October 1996.
- Schenck, Richard G., Contractors: A Strategic Asset or Achilles' Heel?, 10 April 2001, U.S. Army War College.

Sirhal, Maureen, Contractors Act Quickly to Try to Shape Security Agenda, "National Journal's Technology Daily" 25 November 2002.

U.S. Department of the Army, Contractors Accompanying the Force, Army Regulation (AR) 715-9 (Department of the Army, Washington, DC 29 October 1999).

U.S. Department of the Army, Contractors on the Battlefield, Field Manual (FM) 3-100.21 (Department of the Army, Washington, DC 3 January 2003).

U.S. Department of the Army, Contractors on the Battlefield, Field Manual (FM) 100-21 (Department of the Army, Washington, DC 4 March 2000).

U.S. Department of the Army, Contracting Support on the Battlefield, Field Manual (FM) 100-10-2 (Department of the Army, Washington, DC 4 August 1999).

White, Thomas E., Secretary of the Army, Non-Core Competencies Working Group and the Third Wave, "Memorandum on Army Outsourcing Initiative", 4 October, 2002.

Williams, Norman E. MG and Schandelmeier, Jon M., Contractors on the Battlefield, "Army Magazine", Volume 49, Number 1, January 1999.

